

**REMARKS/ARGUMENTS**

Claims 29-55 were pending. Applicant thanks the Examiner for the courtesies extended in the Telephone Interview conducted with the Examiner on June 9, 2004. As discussed in the Interview, the Examiner agreed to withdraw the anticipation rejection and obviousness rejections based on the Nagano reference. In addition, the Examiner agreed to withdraw the finality of the Office Action. In turn, the Applicant agreed to cancel claims 38-55. By this response, Applicant has amended claim 29 and added new method claims 56-67. Applicant respectfully asserts that the amendments to claim 29 and addition of new claims are based in the specification as originally filed. Entry thereof is respectfully requested. Applicant asserts that claims 29-37 and 56-67 are thus in condition for allowance in view of the following remarks.

**A. Indefiniteness Rejection**

The Office Action rejected claims 29-37 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, the Office Action asserted that the limitation "the optical fiber" in claim 29 does not have sufficient antecedent basis. By this response, Applicant has amended claim 29 to recite "the optical transmission system" to replace "the optical fiber." As such, Applicant respectfully requests that the indefiniteness rejection be withdrawn with respect to claims 29-37.

**B. Anticipation Rejection**

The Office Action rejected claims 29-31, 33, 35 and 36 under 35 U.S.C. 102(e) in view of U.S. Patent No. 6,014,359 to Nagano. In the Telephone Interview held with the Examiner today, the Examiner agreed to withdraw the anticipation rejection with respect to claims 29-31,

33, 35 and 36. Thus, the anticipation rejection is moot with respect to independent claims 29-31, 33, 35 and 36.

The Office Action rejected claims 38 and 46 under 35 U.S.C. 102(b) as being anticipated by U.S. patent No. 5,434,669 to Tabata et al. By this response, Applicant has cancelled claims 38 – 55. As such, the anticipation rejection with respect to claims 38 and 46 is now rendered moot.

#### C. Obviousness Rejection

The Office Action rejected claims 32, 34 and 37 under 35 U.S.C. 103(a) as being obvious over the Nagano patent in view of Applicant's admitted prior art. As discussed above, the Examiner agreed to withdraw the obviousness rejections based on the Nagano reference. Thus, the obviousness rejection with respect to claims 32, 34 and 37 is now rendered moot.

The Office Action rejected claims 38-55 as unpatentable under 35 U.S.C. 103(a) as being unpatentable over the Nagano reference in view of Applicant's admitted prior art, and further in view of U.S. Patent No. 4,955,006 to Fukushima. Because the Examiner agreed to withdraw the obviousness rejections based on the Nagano reference, these rejections are also rendered moot.

#### D. New Claims

By this response, Applicant has added new claims 56-67. Applicant has diligently studied the Nagano reference and the Tabata references and asserts that neither one teaches or suggests "a method for reducing reflections of laser light reflected from the end of an optical discontinuity, the method comprising: operating a laser to emit light that is substantially linearly polarized when in use, the laser having an oscillation mode; transmitting the light to an optical discontinuity such that at least a portion of the light is reflected by the optical discontinuity; and altering the polarization of at least one of the emitted light or the reflected light so that

the reflected light is substantially linearly polarized orthogonal to the emitted light so that the reflect light does not couple back onto the oscillation mode of the laser" as recited in new independent claim 56. As such, Applicant respectfully asserts that claims 56-67 are in condition for allowance.

**E. Conclusion**

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 9th day of June 2004.

Respectfully submitted,



John M. Guynn  
Registration No.36,153  
Attorney for Applicant  
Customer No. 022913

JMG:SDJ:mla

W:\15436\418\SDJ\0000000408V001.DOC